

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

February 2, 2012

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Quintero - **Presented**

Presentation of P.R.I.D.E. Team Certificates for the winter quarter – *(Reception immediately following – 2nd floor foyer)* - **Presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of January 26, 2012

Action Taken: Approved, as amended

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Documents pertaining to a bikeway easement on the north side of W. Herndon Avenue west of N. Marks Avenue (***Property located in District 2***) – Public Works Department
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class 1 and 15303/Class 3 of the CEQA Guidelines, Environmental Assessment No. C-11-117
Action Taken: Adopted
 2. **RESOLUTION** ordering the summary vacation of a portion of a bikeway easement on the north side of W. Herndon Avenue west of N. Marks Avenue
Action Taken: Resolution No. 2012-14 adopted
- B. Council consideration of waiver of attorney-client privilege regarding legal opinion on City Manager holding joint position of board member for Retirement Board and City Manager – City Attorney's Office
Action Taken: Waiver approved
- C. * **BILL NO. B-3 – (Intro. 1/26/2012) (For adoption)** - Amending Subsection (e) of Sections 3-353, 3-424 and 3-566 of the Fresno Municipal Code relating to service connected deaths occurring during active participation in the Deferred Retirement Option Program ("DROP") for the City of Fresno Fire and Police Retirement System and the City of Fresno Employees Retirement System – Retirement Offices
Action Taken: Ordinance No. 2012-4 adopted
- D. * **BILL NO. B-4 – (Intro. 1/26/2012) (For adoption)** - Amending Sections 3-334 and 3-543 of the Fresno Municipal Code relating to retiree reinstatement to City Employment – Retirement Offices
Action Taken: Ordinance No. 2012-5 adopted

CONTESTED CONSENT CALENDAR

9:00 A.M. GENERAL ADMINISTRATION

- A. **RESOLUTION** - Of intention to establish a special tax district (Community Facilities District No. 16) and to authorize levy of a special tax for the maintenance of certain public improvements associated with the Universally Accessible Park, and setting the public hearing for February 16, 2012, at 2:00 p.m. *(Property located in District 1)*
Action Taken: Resolution No. 2012-15 adopted
- B. * **RESOLUTION** - Approving the reallocation of \$3,000,000 from the property/liability self-insurance fund contingency to fund liability refunds and claims and liability outside legal services - Personnel Services Department
Action Taken: Resolution No. 2012-16 adopted

9:15 A.M.#1 CITY COUNCIL

- A. **BILL – (For Introduction)** – Amending Fresno Municipal Code (FMC), Section 12-1612 to establish a City Council appeal and rescission process relating to the designation of “Heritage Properties” and further clarify “Heritage Property” designation status – Councilmember Westerlund
Action Taken: Bill No. B-6 introduced/laid over

9:15 A.M.#2 MEETING OF COF AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

Approve Agency minutes of January 26, 2012

Action Taken: Approved

- A. **RESOLUTION** - Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions *(Council and Agency action)* – City Clerk’s Office
Action Taken: Resolution Nos. 2012-18 and #SA-1 adopted

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M. HEARING** ordering the vacation of portions of “F” and “G” Streets *(Property located in District 3)* – Public Works Department
Action Taken: Held
- a. Adopt the Addendum to EA-10-085, a Finding of Conformity with Master Environmental Impact Report (MEIR) No. 10130 for Environmental Assessment No. EA-10-085
Action Taken: Adopted
- b. Adopt a Finding of Conformity with Master Environmental Impact Report (MEIR) No. 10130 for Environmental Assessment No. EA-10-085 as amended by the Addendum to EA-10-085
Action Taken: Adopted
- c. * **RESOLUTION** - Ordering the vacation of portions of “F” and “G” Streets northwest of Santa Clara Street and a portion of Santa Clara Street between “F” and “G” Streets
Action Taken: Resolution No. 2012-17 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:15 A.M. SPECIAL MEETING OF THE FRESNO REVITALIZATION CORPORATION

Approve Board minutes of January 26, 2012, 11:00 a.m. and Special Meeting minutes of January 26, 2012, 1:30 p.m.

Action Taken: Minutes of 1/26/2012 @ 11:00 a.m. removed from the agenda – minutes of 1/26/2012 at 1:30 p.m. approved

- A. **RESOLUTION** – Removing current officers and electing new officers (*Fresno Revitalization Corporation Board Action*)
Action Taken: Resolution No. 2 adopted
 - 1. Election of FRC Chairman, Vice Chair, Secretary and Chief Financial officer (*Fresno Revitalization Corporation Board Action*)
Action Taken: Baines elected Chair; Westerlund – Vice Chair; Debra Barletta – Chief Financial Officer and City Clerk Spence - Secretary
- B. Confirming the appointment of the Fresno Revitalization Corporation Executive Director/President (*Fresno Revitalization Corporation Board Action*)
Action Taken: Marlene Murphey confirmed
- C. **RESOLUTION** – Ratifying all prior actions of the Chairman, Vice-Chairman, Executive Director/President, Secretary, and Chief Financial Officer taken on behalf of the Fresno Revitalization Corporation since January 26, 2012 related to the Memorandum of Understanding (MOU) between the City as the Successor Agency and the Fresno Revitalization Corporation (*Fresno Revitalization Corporation Board Action*)
Action Taken: Resolution No. 3 adopted
- D. Adopt the regular meeting schedule of the Board of the Fresno Revitalization Corporation (*Fresno Revitalization Corporation Board Action*)
Action Taken: Adopted

ADJOURN CORPORATION

Ceremonial Presentation:

- 11:00 A.M.** Proclamation of “REBECCA E. KLISCH DAY” - Mayor’s Office and all Councilmembers – Read and presented

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
Significant Exposure to Litigation:
 - 1. **Case Name:** Pacific Gas and Electric (PG&E) Company v. City of Fresno
Action Taken: Held

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

- 1. Appearance by Ray Ensher to present and explain The “Students Guide to Police Practices”

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk’s Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb	9 –	8:30 A.M.	MEETING
Feb	16 –	1:00 P.M.	AFTERNOON MEETING
Feb	16 –	2:00 P.M.	HEARING to establish a special tax district (CFD 16) for the maintenance of the Universally Accessible Park
Mar.	1 -	10:00 A.M.	HEARING to consider the formation of Underground Utility District No. FRE-92 along the North Side of Nees Avenue from less than one-quarter mile west of Willow Avenue to Willow Avenue <i>(Property located in District 6)</i>
Mar.	8 –	8:30 A.M.	MEETING
Mar.	15 –	NO MEETING	RECESS
Mar.	22 –	8:30 A.M.	MEETING
Mar	28 – (Weds)	2:00 P.M.	Presentation of Employee Service Awards – <i>(Reception immediately following – 2nd floor foyer)</i>
Mar.	29 –	8:30 A.M.	MEETING